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Dated: 9/8/05

Signature: 

(Ginny Blundell)

Docket No.: VASG-P01-001  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Reddy et al.

Application No.: 10/800077

Confirmation No.: 2078

Filed: March 12, 2004

Art Unit: 1635

For: NUCLEIC ACID COMPOUNDS FOR  
INHIBITING ANGIOGENESIS AND TUMOR  
GROWTH

Examiner: Kimberly Chong

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement dated July 8, 2005, Applicants hereby elect, with traverse, the claims of Group I (Claims 1-29 and 59-60), drawn to an isolated nucleic acid compound targeted to EphB4. Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

Applicants traverse the restriction requirement based on the reasons which follow. Groups III and V are closely related to Group I since they all encompass overlapping subject matter; that is, a nucleic acid compound for inhibiting EphB4 gene expression. Thus, simultaneous examination of Groups I, III, and V will not impose a substantial additional burden on the Examiner. Pursuant to MPEP 803, "[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added).

In addition, Applicants respectfully point out that claim 1 of Group I is a linking claim for Groups III and V. Pursuant to MPEP 809.04, "[i]f a linking claim is allowed, the examiner must thereafter examine species if the linking claim is generic thereto, or he or she must examine

the claims to the non-elected inventions that are linked to the elected invention by such allowed linking claim.”

Based on these reasons, Applicants respectfully request that the restriction requirement, at least with respect to Groups I, III, and V, be withdrawn.

This response is accompanied by a request for a one month extension of time and appropriate fees. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 18-1945, under Order No. VASG-P01-001.

Dated: September 8, 2005

Respectfully submitted,

By 

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